

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.* the)
State Engineer,)
)
Plaintiffs,)
)
 v.) No. 69cv07941 BB-ACE
) Rio Chama Stream Adjudication
ROMAN ARAGON et al.,) Section 7: Rito de Tierra Amarilla, Rio
) Brazos, Rutherford and Plaza Blanca, Cañones
Defendants.) Creek, Village of Chama
)
)

**[PROPOSED] INITIAL SCHEDULING ORDER GOVERNING ADDITIONAL
ADJUDICATION ACTIVITY FOR OUTSTANDING WATER RIGHTS CLAIMS OF
THE JICARILLA APACHE NATION**

THIS MATTER having come before the Special Master, and the Special Master being fully apprised in the premises and finding that good cause has been shown, it is hereby ordered that the following initial schedule submitted by the State of New Mexico, *ex rel.* State Engineer (“State”) and the Jicarilla Apache Nation (“the Nation”) shall guide additional adjudication activity for the Nation’s outstanding water rights claims, excluding the surface water irrigation claims that are the subject of previously filed subfile orders and claims for surface water irrigation appurtenant to the Nation’s Boyd Tract and Willow Creek Ranch for which the hydrographic survey work has been completed by the State and discussions between the Nation and the State are ongoing:

1. By March 31, 2007, the Nation shall provide to the hydrographic survey staff of the Office of the State Engineer (“OSE”) a written description of the process to be followed for the planned hydrographic survey work.

2. By May 31, 2007, the hydrographic survey staff of the OSE shall provide the Nation with its comments and suggested changes to the process for conducting hydrographic survey work for consistency with the standards of the OSE.
3. By August 31, 2007, the Nation shall endeavor to complete the hydrographic survey work in accordance with the procedures developed by the Nation and reviewed by the OSE and deliver to the hydrographic survey staff of the OSE a Draft Hydrographic Survey Report for review and comment.
4. By December 31, 2007 the Nation will submit to the OSE a Preliminary Hydrographic Survey Report for review and comment.
5. By May 31, 2008, the OSE shall complete an initial review of the Preliminary Hydrographic Survey Report provided by the Nation.
6. By September 30, 2008, the OSE shall complete field inspections to the extent deemed necessary by the hydrographic survey staff of the State Engineer to complete the OSE's review of the Preliminary Hydrographic Survey Report.
7. The State and OSE shall not have responsibility for the completion of a hydrographic survey by the Nation that meets the standards of the OSE, and the Nation shall at all times retain this responsibility.
8. The Nation and the State shall make all reasonable efforts to meet these target dates and shall report progress at regular status conferences with the Special Master. As noted by the Special Master at the November 6, 2006, status conference, these target dates are subject to revision.

Nothing in this order is intended to prejudice legal or factual claims or objections.

IT IS SO ORDERED.

VICKI L. GABIN, SPECIAL MASTER